

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America  
v.  
SHAWN RHONDU SMITHWICK

Date of Original Judgment: March 7, 2007  
Date of Previous Amended Judgment: October 7, 2008  
(Use Date of Last Amended Judgment if Any)

Case No: 5:06-CR-121-1FUSM No: 50278-056

Thomas P. McNamara  
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_

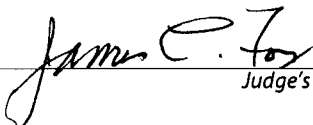
The amendment is applicable to the defendant, but does not have the effect of lowering the guideline imprisonment range. Therefore, the defendant is not eligible for a reduction under this amendment.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated March 7, 2007, and October 7, 2008, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 3/29/12

  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

James C. Fox., Senior U.S. District Judge  
Printed name and title